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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

Application Number 10/643,270

Filing Date

First Named Inventor Peter Zahner

Art Unit

Examiner Name

Attorney Docket Number

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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|--------------|--------------|----------|--|
| Firm Name | | | |
| Signature | | | |
| Printed name | Peter Zahner | | |
| Date | 3/16/05 | Reg. No. | |

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Response to a first Office Action

Application No. 10/643,270

This communication is a response to a first Office Action having a mailing date of 12/21/2004 and setting forth a shortened statutory period for response of three months which would expire on 03/21/2005.

The examiner's action has been studied carefully and in response thereto, the applicant will remit a rewritten specification by correcting punctuation errors, misspelled words and by including explanations for the words "synergistic" and "synergistically". Also, the applicant corrected some errors discovered in studying the specification.

Also, the claims have been corrected to overcome the rejection under 35 U.S.C. 112. By making the above noted additions and corrections, the applicant has observed the mandates of 37 CFR 1.121.

Claim rejections under 35 U.S.C § 103

Claims 1 - 15 are rejected under 35 U.S.C. § 103 as being unpatentable over **Rigal** (US 5,618,521) in view of **McCook** (US 5,306,486) and **Pawelek** (US 5,618,519).

The examiner is correct in observing that Rigal teaches the combination of titanium dioxide and zinc oxide with a green tea extract. It is pointed out to the examiner that Rigal teaches the inclusion of green tea in a concentration between 0.1 to 2% by weight. Applicant includes a concentration by weight of 6% by weight. See page 5. This is quite a different concentration from Rigal. The examiner is also correct in observing that there is no teaching of including Bio melanin in the composition of Rigal.

The examiner further states "that McCook et al disclose using green tea extract in a concentration ranging from 0.01 to 10% by weight and a sunscreen compound such as titanium dioxide or zinc oxide with a concentration ranging from